

SENATE BILL 626 (LRB -4052)

An Act to amend 343.05 (5) (b) 1.; and to create 343.05 (5) (b) 3., 343.44 (1) (am), 343.44 (2) (e), 343.44 (2) (f), 343.44 (2) (g) and 343.44 (2) (h) of the statutes; relating to: causing property damage, injury, or death while operating a vehicle without a valid driver's license or after suspension or revocation of an operating privilege and providing penalties. (FE)

2006

- 03-06. S. Introduced by Senators **Lazich, Lassa and Roessler**; cosponsored by Representatives **Stone, Ainsworth, Hahn, Nass, Jeskewitz, Krusick, Lehman and Gunderson**.
- 02-24. S. Read first time and referred to committee on Judiciary, Corrections and Privacy 630
- 03-03. S. Fiscal estimate received.
- 03-06. S. Public hearing held.
- 05-01. S. Executive action taken.
- 05-02. S. Report introduction and adoption of Senate Amendment 1 recommended by committee on Judiciary, Corrections and Privacy, Ayes 4, Noes 1 (**LRB a3110**).
- 05-02. S. Report passage as amended recommended by committee on Judiciary, Corrections and Privacy, Ayes 4, Noes 1.
- 05-02. S. Available for scheduling.
- 05-02. S. Placed on calendar 5-3-2006 by committee on Senate Organization.
- 05-03. S. Read a second time.
- 05-03. S. Senate amendment 1 **adopted**.
- 05-03. S. Referred to joint committee on Finance.
- 05-03. S. Withdrawn from joint committee on Finance and taken up.
- 05-03. S. Ordered to a third reading.
- 05-03. S. Rules suspended.
- 05-03. S. Read a third time and **passed**.
- 05-03. S. Ordered immediately messaged.
- 05-04. A. Received from Senate.
- 05-04. A. Read first time and referred to committee on Rules.
- 05-04. A. Rules suspended to withdraw from committee on Rules and take up.
- 05-04. A. Read a second time.
- 05-04. A. Ordered to a third reading.
- 05-04. A. Rules suspended.
- 05-04. A. Read a third time and **concurred in**.
- 05-04. A. Ordered immediately messaged.
- 05-05. S. Received from Assembly concurred in.

2005 ENROLLED BILL

05en 5 B-626

ADOPTED DOCUMENTS:

☒ Orig

☐ Engr

___ SubAmdt ___

05-4052/4

Amendments to above (if none, write "NONE"):

SAI — a3110/1

Corrections - show date (if none, write "NONE"):

None

Topic

Rel

5-9-06

Date

SR Miller

Enrolling Drafter

ELECTRONIC PROCEDURE:

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State of Wisconsin
2005-2006 LEGISLATURE

file

CORRECTIONS IN:

2005 SENATE BILL 626

Prepared by the Legislative Reference Bureau
(May 12, 2006)

In enrolling, the following correction was made:

1. Page 4, line 17: delete "shall".

(END)

2005 SENATE BILL 626

February 24, 2006 – Introduced by Senators LAZICH, LASSA and ROESSLER, cosponsored by Representatives STONE, AINSWORTH, HAHN, NASS, JESKEWITZ, KRUSICK, LEHMAN and GUNDERSON. Referred to Committee on Judiciary, Corrections and Privacy.

1 **AN ACT** *to amend* 343.05 (5) (b) 1.; and *to create* 343.05 (5) (b) 3., 343.44 (1) (am),
2 343.44 (2) (e), 343.44 (2) (f), 343.44 (2) (g) and 343.44 (2) (h) of the statutes;
3 **relating to:** causing property damage, injury, or death while operating a
4 vehicle without a valid driver's license or after suspension or revocation of an
5 operating privilege and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, a person who operates his or her motor vehicle without a valid driver's license issued by the Department of Transportation (DOT) may be required to forfeit not more than \$200 for the first offense, may be fined not more than \$300 and imprisoned for not more than 30 days for the second offense occurring within three years, and may be fined not more than \$500 and imprisoned for not more than six months for the third or subsequent offense occurring within three years. A person who operates his or her motor vehicle while the person's operating privilege is revoked may be required to forfeit not less than \$2,500, except that a person with a prior conviction within the preceding five years or a person whose operating privilege was revoked for a violation related to operating while intoxicated may be fined not more than \$2,500 or imprisoned for not more than one year in the county jail or both. A person who operates a motor vehicle while his or her operating privilege is suspended is required to forfeit not less than \$50 nor more than \$200.

Under this bill, a person who knowingly operates a motor vehicle without a valid driver's license issued by DOT or while his or her operating privilege is

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cancelled, suspended, or revoked and who causes damage to another person's property is guilty of a Class A misdemeanor, and may be fined not more than \$10,000 or imprisoned for not more than nine months or both. A person who knowingly operates a motor vehicle without a valid driver's license issued by DOT or while his or her operating privilege is cancelled, suspended, or revoked and who causes injury to another person is guilty of a Class I felony, and may be fined not more than \$10,000 or imprisoned for not more than three years and six months or both.

A person who knowingly operates a motor vehicle without a valid driver's license issued by DOT or while his or her operating privilege is cancelled, suspended, or revoked and who causes great bodily harm to another person is guilty of a Class H felony and may be fined not more than \$10,000 or imprisoned for not more than 6 years or both. A person who knowingly operates a motor vehicle without a valid driver's license issued by DOT or while his or her operating privilege is cancelled, suspended, or revoked and who causes the death of another person is guilty of a Class G felony and may be fined not more than \$25,000 or imprisoned for not more than ten years or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 343.05 (5) (b) 1. of the statutes is amended to read:

2 343.05 (5) (b) 1. Except as provided in subd. 2. or 3. and sub. (6), any person
3 who violates sub. (3) (a) may be required to forfeit not more than \$200 for the first
4 offense, may be fined not more than \$300 and imprisoned for not more than 30 days
5 for the 2nd offense occurring within 3 years, and may be fined not more than \$500
6 and imprisoned for not more than 6 months for the 3rd or subsequent offense
7 occurring within 3 years. A violation of a local ordinance in conformity with this
8 section or a violation of a law of a federally recognized American Indian tribe or band
9 in this state in conformity with this section shall count as a previous offense.

10 **SECTION 2.** 343.05 (5) (b) 3. of the statutes is created to read:

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1 343.05 (5) (b) 3. a. Any person who, in the course of operating a motor vehicle
2 which is not a commercial motor vehicle upon a highway in this state knowingly
3 without a valid operator's license issued to the person by the department or
4 knowingly with an operator's license that has been revoked, suspended, or canceled,
5 causes damage to the property of another is guilty of a Class A misdemeanor. INS
SI-1

6 b. Any person who, in the course of operating a motor vehicle which is not a
7 commercial motor vehicle upon a highway in this state knowingly without a valid
8 operator's license issued to the person by the department or knowingly with an
9 operator's license that has been revoked, suspended, or canceled, causes injury to
10 another person is guilty of a Class I felony. INSERT SI-2

11 c. Any person who, in the course of operating a motor vehicle which is not a
12 commercial motor vehicle upon a highway in this state knowingly without a valid
13 operator's license issued to the person by the department or knowingly with an
14 operator's license that has been revoked, suspended, or canceled, causes great bodily
15 harm to another person is guilty of a Class H felony. INS, SI-3

16 d. Any person who, in the course of operating a motor vehicle which is not a
17 commercial motor vehicle upon a highway in this state knowingly without a valid
18 operator's license issued to the person by the department or knowingly with an
19 operator's license that has been revoked, suspended, or canceled, causes the death
20 of another person is guilty of a Class G felony. INS, SI-4

21 **SECTION 3.** 343.44 (1) (am) of the statutes is created to read:

22 343.44 (1) (am) *Knowingly operating while suspended.* No person whose
23 operating privilege has been duly suspended under the laws of this state may
24 knowingly operate a motor vehicle upon any highway in this state during the period
25 of suspension or in violation of any restriction on an occupational license issued to

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SECTION 3

1 the person during the period of suspension. In this paragraph, "restriction on an
2 occupational license" means restrictions imposed under s. 343.10 (5) (a) as to hours
3 of the day, area, routes or purpose of travel, vehicles allowed to be operated, use of
4 an ignition interlock device, sobriety or use of alcohol, controlled substances, or
5 controlled substance analogs.

6 **SECTION 4.** 343.44 (2) (e) of the statutes is created to read:

7 343.44 (2) (e) Any person who, in the course of a violation of sub. (1) (am) or (b)
8 or a local ordinance in conformity therewith, causes damage to the property of
9 another ~~is guilty of a Class A misdemeanor.~~ INS. 51-5

10 **SECTION 5.** 343.44 (2) (f) of the statutes is created to read:

11 343.44 (2) (f) Any person who, in the course of a violation of sub. (1) (am) or (b)
12 or a local ordinance in conformity therewith, causes injury to another person ~~is guilty~~
13 ~~of a Class I felony.~~ INS. 51-7

14 **SECTION 6.** 343.44 (2) (g) of the statutes is created to read:

15 343.44 (2) (g) Any person who, in the course of a violation of sub. (1) (am) or (b)
16 or a local ordinance in conformity therewith, causes great bodily harm to another
17 person ~~shall~~ ^{ccc} ~~is guilty of a Class H felony.~~ INS. 51-8

18 **SECTION 7.** 343.44 (2) (h) of the statutes is created to read:

19 343.44 (2) (h) Any person who, in the course of a violation of sub. (1) (am) or
20 (b) or a local ordinance in conformity therewith, causes the death of another person
21 ~~is guilty of a Class G felony.~~ INS. 51-9

22 **SECTION 8. Initial applicability.**

23 (1) This act first applies to violations that occur on the effective date of this
24 subsection.

25 (END)

**SENATE AMENDMENT 1,
TO 2005 SENATE BILL 626**

May 2, 2006 - Offered by COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 5: delete "is guilty of a Class A misdemeanor" and substitute
3 "shall be required to forfeit \$1,000". SI-1 SI-2

4 **2.** Page 3, line 10: delete "is guilty of a Class I felony" and substitute "shall be
5 required to forfeit \$5,000".

6 **3.** Page 3, line 15: delete "H felony" and substitute "A misdemeanor". SI-3

7 **4.** Page 3, line 20: delete "G felony" and substitute "A misdemeanor". SI-4

8 **5.** Page 4, line 9: delete "is guilty of a Class A misdemeanor" and substitute
9 "shall be required to forfeit \$1,000". SI-5

10 **6.** Page 4, line 12: delete "is guilty".

SI-7

1 **7.** Page 4, line 13: delete “of a Class I felony” and substitute “shall be required
2 to forfeit \$5,000”.

SI-8

3 **8.** Page 4, line 17: delete “H felony” and substitute “A misdemeanor”.

SI-9

4 **9.** Page 4, line 21: delete “G felony” and substitute “A misdemeanor”.

5

(END)

CCC to

2005 Senate Bill 626
(May 12, 2006)

In enrolling, the following correction
was made:

#, Page 4, line 17: delete
"shall".

(End)

LRB-4052/4 CCC-1
KJF

SENATE BILL 626**SECTION 3**

1 the person during the period of suspension. In this paragraph, “restriction on an
2 occupational license” means restrictions imposed under s. 343.10 (5) (a) as to hours
3 of the day, area, routes or purpose of travel, vehicles allowed to be operated, use of
4 an ignition interlock device, sobriety or use of alcohol, controlled substances, or
5 controlled substance analogs.

6 **SECTION 4.** 343.44 (2) (e) of the statutes is created to read:

7 343.44 (2) (e) Any person who, in the course of a violation of sub. (1) (am) or (b)
8 or a local ordinance in conformity therewith, causes damage to the property of
9 another is guilty of a Class A misdemeanor.

10 **SECTION 5.** 343.44 (2) (f) of the statutes is created to read:

11 343.44 (2) (f) Any person who, in the course of a violation of sub. (1) (am) or (b)
12 or a local ordinance in conformity therewith, causes injury to another person is guilty
13 of a Class I felony.

14 **SECTION 6.** 343.44 (2) (g) of the statutes is created to read:

15 343.44 (2) (g) Any person who, in the course of a violation of sub. (1) (am) or (b)
16 or a local ordinance in conformity therewith, causes great bodily harm to another
17 person shall is guilty of a Class H felony.

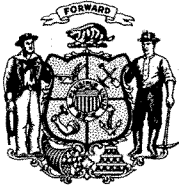
18 **SECTION 7.** 343.44 (2) (h) of the statutes is created to read:

19 343.44 (2) (h) Any person who, in the course of a violation of sub. (1) (am) or
20 (b) or a local ordinance in conformity therewith, causes the death of another person
21 is guilty of a Class G felony.

22 **SECTION 8. Initial applicability.**

23 (1) This act first applies to violations that occur on the effective date of this
24 subsection.

25 (END)



State of Wisconsin
2005-2006 LEGISLATURE

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